

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 C.F.R. parts 1 and 51 as follows:

PART 1 – PRACTICE AND PROCEDURE

1. New Section 1.740 is added to read as follows:

§ 1.740 Complaints filed pursuant to §§ 51.902-903.

Notwithstanding the requirements of §§1.716-718, the following procedures shall apply to informal complaints alleging that a carrier has violated §§201 and 251 of the Act by failing properly to identify and route telecommunications traffic as required in §§51.902-903 of this chapter.

- (a) Form of Complaint. The complaint shall be in writing, and should contain: The complainant's name, address, telephone number, e-mail address, and designated agent under §1.47(h); a complete statement of the facts, including any documentation tending to show that the complainant received for termination telecommunications traffic not in compliance with any of the provisions of §§51.902-903; the names of any telecommunications providers known to be in the call path, whether as the originating carrier or as an intermediate carrier; a statement as to whether the complainant has sought and received or been denied the identifying information required in §51.902 or whether traffic has been improperly routed in violation of §51.903; and the specific relief sought.
- (b) Procedure. Upon receiving an informal complaint pursuant to this section, the Commission will investigate the complaint, including by requiring the submission of information by all telecommunications providers having information the Commission deems relevant. The Commission will complete its investigation and issue an order informing the complainant of its findings within 90 days of the date the complaint is filed, and order such remedy as may be appropriate, which may include ordering damages pursuant to Section 209, or imposition of a forfeiture pursuant to Section 501.
- (c) Unsatisfied informal complaints. In the event the complainant is not satisfied with the resolution of a complaint under this section within the 90-day period described in subsection (b), the complainant may file a formal complaint with the Commission in the form specified in §1.72. Such filing will be deemed to relate back to the filing date of the informal complaint filed under this section, so long as the informal complaint complied with the requirements of paragraph (a) of this section and provided that: The formal complaint makes reference to both the informal complaint number assigned to and the initial date of filing of the informal complaint filed under this section; is based on the same cause of action as the informal complaint filed under this section; and is filed within 45 days from the earlier of (i) the date an order resolving the informal complaint filed under this section is mailed or delivered electronically to the complainant and (ii) the date on which the 90-day period described in subsection (b) expired. If no formal complaint is filed

within the 45-day period, the complainant will be deemed to have abandoned its right to bring a formal complaint regarding the cause of action at issue.

PART 51 - INTERCONNECTION

2. New *Subpart J – Identification of Telecommunications Traffic* is added to read as follows:

Subpart J – Identification of Telecommunications Traffic

§ 51.900 Scope of Rules in This Subpart

This subpart applies to all telecommunications traffic between two or more telecommunications carriers, including all telecommunications traffic identified in §§ 51.701(b)(1) and (2), all exchange access traffic, all information access traffic, and all other traffic transmitted by telecommunications carriers as defined herein.

§ 51.901 Terms and Definitions Used in This Subpart.

- (a) *Calling Party Number (CPN)*. A call data field within the initial address message in the signaling, for example on a Signaling System 7 network, indicating the subscriber line number or directory number of the party originating the call.
- (b) *Carrier Identification Code (CIC)*. A field in EMI records indicating the identity of the interexchange carrier that routed an interexchange call.
- (c) *Charge Number (CN)*. The number associated with the party to whom a call is charged or billed. The CN field is a call data field within the initial address message in the signaling, for example on a Signaling System 7 network, that is populated if the CPN is not the “billed to” number.
- (d) *Exchange Message Interface System (EMI)*. The industry standard for exchanging telecommunications message information for billable, non-billable, settlement and study records.
- (e) *Intermediate carrier*. As used in this subpart, any carrier in the call path that is neither the originating carrier nor the terminating carrier. Intermediate carriers include, but are not limited to, interexchange carriers, transiting carriers, and tandem switching carriers.
- (f) *Jurisdictional Information Parameter (JIP)*. A call data field within the initial address message in the signaling, for example on a Signaling System 7 network, indicating the originating switch. When properly populated, JIP can provide information that helps carriers identify the call origination point in the SS7 network. JIP is not necessarily determinative of, and is not hereby made the predominant method for determining, call jurisdiction or the appropriate rate, if any, for termination of the call.
- (g) *Operating Carrier Number (OCN)*. A field in EMI records indicating the identity of the originating carrier, except where a CIC is provided.
- (h) *Telecommunications carrier or carrier*. As used in this subpart, any entity that is a telecommunications carrier as defined in §51.5, and any other entity that assigns to customers telephone numbers obtained either directly or indirectly from the North American Numbering Plan Administrator or the Pooling Administrator.

§ 51.902 Obligation to Accurately Identify Telecommunications Traffic.

- (a) It shall be the duty of any originating carrier when transmitting traffic to another telecommunications carrier to ensure that the initial address message in the call signaling includes either or both of the CPN or CN, and the JIP, except where technically infeasible.
- (b) It shall be the duty of any intermediate carrier when transmitting telecommunications traffic to another carrier to transmit to such carrier, without modification or deletion, the CPN, CN, JIP and any other signaling information received from the previous carrier in the call path, except where modification of such information is required by published industry standards and technical guidelines, and except where technically infeasible.
- (c) If any carrier is unable to transmit CPN, CN, JIP, or any other signaling information received from another carrier in accordance with this section because it employs a multi-frequency interworking trunk, it shall be the duty of such carrier to transmit automatic number identification (ANI) information with such traffic, except where technically infeasible.
- (d) It shall be the duty of any intermediate carrier that performs a tandem-switching or transiting function, when transmitting telecommunications traffic to a terminating carrier, to provide EMI records indicating the carrier from which the traffic was received, if the terminating carrier requests in writing that such records be provided.
- (e) A carrier may not be excused from compliance with any of the requirements of subsection (a), (b) or (c) on the grounds that such compliance would be “technically infeasible” unless the carrier complies with the procedures set forth herein:
 - i. Such carrier notifies the Commission in writing within 30 days after the effective date of these rules (or, in the case of a carrier that commences operation after the effective date of these rules, within 30 days after commencing operation) that such compliance is technically infeasible, including a statement describing in detail why compliance is not possible within the carrier’s current network technology, and estimating the duration of such technical infeasibility, which the Commission will announce in a Public Notice;
 - ii. Such carrier replies within fifteen business days to any objection by any other carrier to such notice, and serves all objecting carriers with a copy of the reply; and
 - iii. Such carrier negotiates in good faith alternative information exchange arrangements with any objecting carrier upon request therefore. If such negotiations do not result in an agreement within 90 days from the date of an objecting carrier’s request the Commission may mediate the dispute.
 - iv. In the event the Commission finds a carrier improperly claims compliance was “technically infeasible” or fails to negotiate in good faith an alternative arrangement as required herein, the Commission may impose forfeitures or award damages, as appropriate.

§ 51.903 Compliance with Published Industry Standards & Technical Guidelines.

It shall be the duty of all telecommunications carriers before routing traffic to another carrier to implement traffic routing arrangements consistent with published industry standards and technical guidelines, such as those set forth in the Local Exchange Routing Guide (LERG), so as to route the traffic to the trunk group designated for such traffic according to its jurisdictional nature, unless the terminating carrier has approved in writing alternate routing arrangements.